

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Elaine J. Duffy, Supervising Deputy Clerk.

F038907 Mod Craft, Inc. v. American Ready Mix, Inc.

Cause called and argued by Donald Wild, Esq., counsel for cross-complainant and appellant and by Harry E. Macy, Esq., counsel for defendant and respondent.

Cause ordered submitted.

F039649 Wendi Williams et al. v. Big Valley Grace Community Church et al.

Parties stipulate that (1) Wiseman, J., the absent assigned justice, participate in the determination of this appeal, and (2) Wiseman, J. to listen to the recording of oral proceedings upon his return.

Cause called and argued by Kathleen Crist-Walker, Esq., counsel for appellant and by Robert M. Coelho, Esq., counsel for respondents Big Valley Grace Community Church et al. and by Kimberly W. Ringer, Esq., counsel for respondents Darryl Cummings et al..

Submission deferred until Friday, February 28, 2003 for Wiseman, J. to listen to the tape recording of oral argument.

Court recessed until Tuesday, February 18, 2003 at 10:00 A.M.

F038011 People v. Beltran

Appellant's petition for rehearing filed herein is denied.

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F038631 **People v. Gaxiola**
F039068 **People v. Gaxiola**

Condition 30 of appellant's order of probation is modified to read: "Have no contact of any type with persons known to probationer to be felons, ex-felons, probationers, drug sellers during the period of probation without prior permission of the probation officer." As so modified and in all other respects the judgment (order of probation) is affirmed. Harris, Acting P.J.

We concur: Levy, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038481 **People v. Robles**

The additional term imposed in count III pursuant to Penal Code section 12022.5 is stricken; the sentence imposed in count VII is vacated and the matter remanded to the trial court for resentencing as to that count only. In all other respects the judgment is affirmed. Harris, J.

We concur: Vartabedian, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041964 **Roberts v. The Superior Court of Fresno County**

Let a peremptory writ of prohibition issue retraining respondent court from enforcing the "Order of Contempt" filed on November 25, 2002, in action Nos. 01CECL06597, 02CECL01898 and 02CECL02403; said order is hereby annulled and is ordered vacated.

The orders filed in this court on November 27, 2002 and December 2, 2002 staying enforcement of said contempt order shall remain in effect only until this opinion is final in all courts in this state, the Supreme Court grants a hearing herein or the respondent court complies with the above directions, whichever shall first occur.

Insofar as petitioner may be requesting relief in addition to that granted above, said request is denied without prejudice.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F039261 Johnson v. Nuttall

The judgment is affirmed. Cornell, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038051 People v. Prado-Arevalo

The judgment is affirmed. Gomes, J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039676 People v. Figueroa

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F039676 People v. Figueroa**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F039466 People v. Monroy**
The judgment is affirmed with sentence modifications. Cornell, J.
We concur: Vartabedian, Acting P.J.; Buckley, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F038595 People v. Troup**
The judgment is affirmed with modifications. Wiseman, J.
We concur: Dibiaso, Acting P.J.; Gomes, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F041310 People v. Rodriguez**
Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F038079 Solpac, Inc. v. City of Fresno et al.;Mauldin-Dorfmeier Construction Inc.**
Appellant's petition for rehearing filed herein is denied.
- F038079 Solpac, Inc. v. City of Fresno et al;Mauldin-Dorfmeier Construction, Inc.**
Mauldin-Dorfmeier Construction, Inc.'s (real party in interest and respondent) petition for rehearing filed herein is denied.
- F038802 People v. Dorsey**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F038802 People v. Dorsey**
The judgment is reversed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F040108 People v. Sims**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F040108 People v. Sims**
The case is remanded for the trial court to resentence within the terms of the plea agreement.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F040568 People v. Aguirre**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F040568 People v. Aguirre**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F039648 People v. Navarro**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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IN AND FOR THE
Fifth Appellate District

F039648

People v. Navarro

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]